

EXHIBIT 9

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 460-2013-00996	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Mr. Robert Salinas		Home Phone (Indicate Area Code) <div style="background-color: black; width: 100px; height: 20px;"></div>	
Street Address 330 Cummings, Rosenberg, TX 77471		City, State and ZIP Code 	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name KROGER TEXAS, L.P.		No. Employees, Members 500 or More	
Street Address 24401 Brazos Town Crossing, Rosenberg, TX 77471		Phone No. (Include Area Code) (281) 448-5555	
Name 		No. Employees, Members 	
Street Address 		City, State and ZIP Code 	
Name 		No. Employees, Members 	
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 06-11-2011 04-06-2012 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))			
<p>I. I have been employed by Kroger, whose employees are represented by the Respondent, and assigned to work in the Produce Department. During my tenure, I was sexually harassed by a co-worker. This person would grab and pinch my buttocks area, make inappropriate sexual comments and expressed threats of sexually assaulting me. These actions occurred on such a frequent basis that it created a hostile work environment. On more than one occasion, I advised my supervisor (Tony Medina) and Store Manager (Michael Childs). For a short period of time, they put us on different shifts, but Mr. Medina soon stopped this precaution. His disregard for my safety led to further sexual harassment. Eventually, on April 6, 2012, this employee assaulted me with a knife in the cooler while working. He approached me from behind and held a produce knife to my throat, then conveyed a threat of cutting off my head. I immediately reported this to Mr. Medina, but no action was taken that day. I reported this to the police and my co-worker was arrested for assault with a deadly weapon. He eventually pled guilty in court, mainly because there was a witness to his actions and he confessed. In the police report, it was put on record that Mr. Childs and Mr. Medina were aware of my reported concerns, yet their lack of action to remedy the situation placed my life in danger. Many of my reported concerns were forwarded through the union or made directly to them. I do not feel they took adequate action to protect me from discrimination or harm.</p> <p>II. I believe I have been discriminated against due to my sex, in relation to sexual harassment, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements <div style="text-align: center;"> </div>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="text-align: center;"> </div>	
Date 1-10-13		Charging Party Signature Robert Salinas	
SUBSCRIBED AND SWORN TO before me this DATE (month, day, year) 1-10-2013		CLERK OF THE COURT MY COMMISSION EXPIRES December 18, 2013	

EEOC Form 5 (11/09)

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Ms. Martha Freitas Human Resources Director KROGER TEXAS, L.P. 19245 David Memorial Drive Shenandoah, TX 77385	PERSON FILING CHARGE
	Robert Salinas THIS PERSON (check one or both) <input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
	EEOC CHARGE NO. 460-2013-00996

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- ☒ Title VII of the Civil Rights Act (Title VII)
 ☐ The Equal Pay Act (EPA)
 ☐ The Americans with Disabilities Act (ADA)
☐ The Age Discrimination in Employment Act (ADEA)
 ☐ The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge

- ☐ No action is required by you at this time.
- ☐ Please call the EEOC Representative listed below concerning the further handling of this charge.
- ☒ Please provide by **18-FEB-13** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☐ Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
- ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **07-FEB-13** to **Jennifer Ortiz, ADR Coordinator, at (713) 651-4954**. If you **DO NOT** wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information or any inquiry you may have should be directed to:

Ryan Mays,
Investigator

EEOC Representative

Telephone **(713) 651-4948**
Houston District Office
Total Plaza
1201 Louisiana, Suite 600
Houston, TX 77002
Fax: (713) 651-4902
Enclosure(s): ☒ Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☐ Race
 ☐ Color
 ☒ Sex
 ☐ Religion
 ☐ National Origin
 ☐ Age
 ☐ Disability
 ☐ Retaliation
 ☐ Genetic Information
 ☐ Other

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
January 17, 2013	R.J. Ruff, Jr., District Director	